HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.155 of 2007

Between:

APSRTC, Rep., by its
Managing Director,
Musheerabad, Hyderabad

... Appellant

And

The Presiding Officer,
State Transport Appellate Tribunal,
Hyderabad, AP and two others

... Respondent

::JUDGMENT::

Counsel for the appellant : Shri K. Srinivas Rao

Counsel for respondent No.3 : Shri P. Rajagopala Chary

Febuary 27, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 14-11-2006 passed by the learned Single Judge, whereby he quashed order dated 23-8-1995 passed by Presiding Officer, State Transport Appellate Tribunal, Hyderabad (for short, 'the Tribunal') in A.P.No.43 of 1994 for grant of permit to respondent No.3 – K. Raja Reddy to operate the town service on Jagitial to Kanapur route, but at the same time directed Regional Transport Authority, Karimnagar (respondent No.2)

to forthwith cancel the permit granted in favour of the appellant.

We have heard Shri K. Srinivasa Rao, learned counsel for the appellant and Shri P. Rajagopala Chary, learned counsel for respondent No. 3 and perused the record.

Admittedly, the legality or otherwise of the permit granted to the appellant for operating service on Jagitial to Kanapur was not under challenge either before the Tribunal or before the learned Single Judge. Therefore, the latter did not have the jurisdiction to order cancellation thereof by assuming that the route on which the service is being provided by the appellant is too narrow.

For the reason stated above, the appeal is allowed. The order of the learned Single Judge is set aside to the extent of the direction given to respondent No.2 to cancel the permit of the appellant.

As a sequel to disposal of the appeal, WAMP No. 266 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

February 27, 2007
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